

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DESIGN DATA CORPORATION,

Plaintiff,

v.

UNIGATE ENTERPRISE, INC., et al.,

Defendants.

Case No. [12-cv-04131-WHO](#)

**ORDER ON MOTION FOR FORENSIC
INSPECTION**

Re: Dkt. Nos. 76, 77, 78, 79, 80

Plaintiff Design Data Corporation (Design Data) asks the Court to: (i) compel defendant Unigate Enterprises, Inc. (UE) to permit a forensic inspection of UE's hard drives; (ii) continue the deadlines in this case three months, including the deadline for responding to defendants' amended motion for summary judgment; and (iii) sanction UE for withholding and/or destroying responsive documents. UE objects to the request, arguing that Design Data has no evidence that UE has failed to produce and/or intentionally destroyed any computer files and UE's own forensic inspection shows that UE has not done so. UE also asserts that Design Data's current motion is simply one that seeks to further delay the resolution of this litigation, which will prejudice UE given its precarious financial situation.

I have considered both sides' submissions, up to and including Docket No. 80, and ORDER that UE permit a third-party selected by Design Data to conduct a forensic inspection of UE's hard drives, including external hard drives. That inspection shall be conducted within thirty (30) days from the date of this Order. That inspection shall be conducted at Design Data's cost. The parties shall agree on the protocol for the forensic examination within seven (7) days of the date of this Order. If the parties cannot agree on the protocol, they shall promptly inform the Court and I will appoint a Magistrate Judge to resolve the dispute. If evidence arises that UE destroyed or failed to produce discovery, the Court will consider a motion for sanctions and/or to

1 shift the cost of the forensic inspection.

2 The scheduling deadlines and hearing dates in this case are continued approximately two
3 months to the following dates:

4	Plaintiff's opposition to defendants' MSJ:	June 2, 2014
5	Hearing on defendants' MSJ:	June 25, 2014
6	Fact discovery cutoff:	June 24, 2014
7	Expert Disclosure and reports:	June 24, 2014
8	Expert rebuttal disclosure/reports:	July 14, 2014
9	Expert Discovery cutoff:	August 4, 2014
10	Last day for hearing motions:	September 17, 2014
11	Pretrial Conference:	November 17, 2014
12	Trial:	December 15, 2014

13
14 **IT IS SO ORDERED.**

15 Dated: March 24, 2014

16 

17 WILLIAM H. ORRICK
18 United States District Judge
19
20
21
22
23
24
25
26
27
28